

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4265 OF 2007

Sou.Shalini Shankarrao Chavan & Ors. .. Petitioners
(Orig.Plaintiffs)

Versus

Shri.Bhaskar Parshuram Patil & Anr. .. Respondents.
(Orig.Defendants)

Mr.P.M.Arjunwadkar for petitioners.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 19TH JULY, 2007.

P.C.:

1. This petition under Article 227 of the Constitution of India is directed against the concurrent orders of the Courts below delivered at the interlocutory stage of the suit.

2. The Courts below have prima-facie concluded that the Sale Deed, which is executed in favour of respondent No.1 by the father of the petitioner, admittedly, being of

12th January, 2005 and the suit being instituted nearly after a year thereof so also the affidavits of the adjoining land owners / cultivators lacking in material particulars about possession of the petitioners, it is not possible to grant any interim order in their favour.

3. Despite his persuasive efforts Mr.Arjunwadkar could not convince me that these observations require interference by this Court in its jurisdiction under Article 227 of the Constitution of India. These observations being based upon the materials produced at the prima-facie stage, they cannot be held to be suffering from any infirmity or vitiated by any error apparent or termed as perverse requiring interference. Petition is dismissed.

4. However, it is clarified that all observations are tentative and prima-facie and shall not influence the Courts below while trying the regular civil suit. In the interest of justice and considering that parties to the suit are senior citizens, the hearing of the suit is expedited.

(S.C.Dharmadhikari, J.)